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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/628,442 07/28/00 RUQUE

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EXAMINER

MM91/0920

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DINH, T

ART UNIT

PAPER NUMBER

2841

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09/20/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.

09/628,442

Applicant(s)

RUQUE, CHRISTIAN

Examiner

Tuan T Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "intermediate electrically conductive plate, claim 9, line 3" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show "intermediate plate 74 and holes 76" as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required.

### ***Specification***

The disclosure is objected to because of the following informalities:

Page 7, line 29, change "connector 7" to --connector 17--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9-10 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification is

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silent regarding "drawer receiving recesses (claim 9, line 2) and an intermediate plate (claim 9, line 3)".

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, lines 2 and 3, it is unclear. What is that meant of "in the vicinity of its back plate?" What does "its" refer to?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-4, 6, and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al (U. S. Patent 6,209,842).

As to claim 1, Anderson discloses a device as shown in figures 1-6 for electromagnetic protecting a drawer (200, column 3, line 35) equipped with electronic cards (not shown), said drawer (200) suitable for being inserted into a drawer receiving structure (100, column 3, line 25) through an opening (see figures 1 and 4) provided in a front face (see figure 1) of said drawer receiving structure (100), said device comprising:

six faces (see figure 1) distributed around the cards, wherein one of said faces of said device is formed by the front face (see figure 1) of said drawer, while the five other faces of the device are formed by side faces (see figure 1), a top and a bottom faces (101, 102, column 3, lines 29-30) and a back face (see figure 1) of said drawer receiving structure (100), said faces are electrical conductive (column 3, lines 31-33).

As to claim 2, Anderson discloses a device as shown in figures 4-5 further comprising:

resilient electrical connection means (405, column 3, line 65) for providing electrical connection between said front face of said drawer (200) and said drawer receiving-structure (100).

As to claim 3, Anderson discloses a device as shown in figures 4-5 wherein said resilient means (405) are formed by electrically-conductive springs disposed on the edges of the opening provided in the front face of the structure, and/or on the drawer.

As to claims 4 and 6, Anderson discloses a device as shown in figure 1 wherein said top and bottom faces (101, 102) are provided with openings for allowing air to flow through.

As best understood to claims 9 and 10, Anderson discloses a device as shown in figure 1 wherein said structure (100) is suitable for receiving a plurality of drawers (200) (column 3, line 26), wherein drawer receiving recesses (103, column 3, line 28) are separated by an intermediate electrically conductive plate (see figure 1); said intermediate plate is provided with openings (see figure 1) for allowing air to flow through.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Porter (U. S. Patent 5,808,866).

As best understood to claim 5, Anderson discloses all of the limitations of the claimed invention, except for said back face of said drawer-receiving structure is provided with connectors suitable for cooperating with connectors secured to the cards, and wherein said back face is a grating provided with openings for passing cables.

Porter discloses a device as shown in figures 2 and 5 wherein a back face (24), of a drawer-receiving structure is provided with connectors (30) suitable for cooperating with connectors secured to the cards (31). The back face is a grating provided with openings for passing cables (42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Anderson provide the connectors and cables on the back plate as taught by Porter in order to make an electrical connection

As to claim 7, Porter discloses a device as shown in figure 2 wherein the sum of the areas of the openings in each of the top and bottom faces (27, 28) is approximately equal to the area through which air can pass vertically in the drawer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Anderson to provide the areas of the openings in each of the top and bottom faces is approximately equal to the area through which air can pass vertically in the drawer as taught by Porter in order to permit a large volumetric flow of air sufficiency to cool the device.

As to claim 8, Anderson and Porter do not teach the maximum dimension of the openings is considerably smaller than the minimum wavelength of the electromagnetic waves from which the drawer is to be isolated. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a size of the openings and compare with wavelength of the electromagnetic waves. Since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch. 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-308-3431 for regular communications and 703-308-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TD  
September 17, 2001



**Jayprakash N. Gandhi**  
**Primary Examiner**  
**Technology Center 2800**